

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

7 JOHN THOMAS ENTLER,

8 Plaintiff,

9 v.

10 FRANCISCO PERALES, *et al.*,

11 Defendants.

Case No. C07-5167 FDB

ORDER ADOPTING REPORT AND  
RECOMMENDATION DISMISSING  
DEFENDANTS GARMIRE AND  
GILBERT FROM THIS ACTION

12 This matter comes before the Court on the recommendation of the Magistrate Judge that  
13 Plaintiff's motion for summary judgment be denied and Defendants' cross-motion for summary  
14 judgment be granted in part dismissing Defendants Garmire and Gilbert from this civil rights action.  
15 Plaintiff has filed objections contending there are genuine issues of fact precluding summary  
16 judgment for these Defendants.


17 The Court is not persuaded by Plaintiff's assertions. Regarding Defendant Garmire, the issue  
18 of whether she acted with retaliatory intent in writing the infraction against Plaintiff. The Magistrate  
19 Judge correctly found insufficient evidence of retaliatory intent and recommended that the claims  
20 against Defendant Garmine be dismissed. In regard to Defendant Gilbert, the same is true. There  
21 simply was insufficient evidence to show retaliatory intent in writing the infraction.

22 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L.  
23 Strombom, objections to the Report and Recommendation, and the remaining record, does hereby  
24 find and ORDER:

25  
26 ORDER - 1

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's Motion for Summary Judgment [Dkt. # 27] is **DENIED**;
- (3) Defendants' Motion for Summary Judgment [Dkt. # 35] is **GRANTED IN PART and DENIED IN PART**;
- (4) Defendants Garmire and Gilbert are **DISMISSED** from this action; and
- (5) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants and to the Hon. Karen L. Strombom.

DATED this 7<sup>th</sup> day of November, 2008.

  
FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE